

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN T. MCDONALD, JR.,
CHELSEA A. PEJIC, SHAWN
HAFF, STEVE BARRON, DIMPLE
KUMAR, CARRIE KALBFLEISCH,
ANDERS CHRISTENSEN, DANNY
WAKEFIELD, DAN GUINN,
BENJAMIN FORSGREN, SHANE
HOBBS, and KEVIN PRINCE, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

Case No. 1:11-CV-831

THOMAS M. COOLEY LAW SCHOOL
and DOES 1-20,

HON. GORDON J. QUIST

Defendants.

ORDER DISMISSING MOTION TO DISMISS AS MOOT

On October 20, 2011, Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). On November 9, 2011, Plaintiffs filed a First Amended Class Action Complaint pursuant to Fed. R. Civ. P. 15(a)(1)(B). The filing of an amended pleading ordinarily moots a pending motion to dismiss. *See Jackson v. EME Homer City Generation L.P.*, No. 2:11-cv-28, 2011 WL 4850009, at *1 (W.D. Pa. Oct. 13, 2011); *Marshall W. Nelson & Assocs., Inc. v. YRC Inc.*, No. 11-C-0401, 2011 WL 3418302, at *1 (E.D. Wis. Aug. 3, 2011). Because the First Amended Class Action Complaint (docket no. 22) is now the operative pleading, the pending motion to dismiss is **dismissed as moot**. Defendants remain free to move for dismissal or judgment on the pleadings as to the First Amended Class Action Complaint.

IT IS SO ORDERED.

Dated: November 17, 2011

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE